

## **Remarks/Arguments**

Claims 1-22 are now pending in this application. In the January 8, 2008 Office Action, Claims 1-5, 7-10, 12-19, 21, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,467,028 to Piwonka et al.(hereinafter “*Piwonka*”) in view of *Teach Yourself Web Publishing with HTML 4 in a Week* (hereinafter “*HTML*”). Claims 6, 11, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Piwonka* in view of *HTML*, as applied to claims 5, 10 and 19 respectively, and further in view of U.S. Patent No. 4,729,678 to Hays et al. (hereinafter “*Hays*”).

For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

### **Claim Rejections Under 35 U.S.C. 103(a)**

In the January 8, 2008 Office Action, claims 1-5, 7-10, 12-19, 21, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Piwonka* in view of *HTML*. Further, claims 6, 11, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Piwonka* in view of *HTML* further in view of *Hays*. The applicant respectfully submits that *Piwonka*, *HTML*, and *Hays* do not separately or together teach, suggest, or describe each recitation of these claims, even if combined in the manner suggested by the Examiner.

### **Claims 1, 12, 15**

At the outset, the Office Action improperly addresses simply a “first escape code” or “escape code” instead of the claimed “a BIOS-readable first escape code” and “BIOS-readable escape code.” For example, the Office Action at page 2 states that “*Piwonka* does not explicitly disclose providing a first escape code...” and then alleges on page 3 that “*HTML* teaches providing a tag/first escape code....” Whether “*HTML* teaches providing a tag/first escape code” is irrelevant with regards to claim 1 since it expressly recites a BIOS-readable first escape code. Neither *Piwonka* nor *HTML*, alone or in combination, teaches or suggests a “BIOS-readable first escape code,” as claimed in claims 1 and 15 or a “BIOS-readable escape code,” as claimed in claim 12.

As the Office Action admits, “*Piwonka* does not explicitly disclose providing a first escape code” and presumably also does not disclose “a BIOS-readable first escape code,” as claimed in claims 1 and 15 or “a BIOS-readable escape code,” as claimed in claim 12. It follows then that the issue is whether *HTML* teaches “a BIOS-readable first escape code” and “a BIOS-readable escape code.” One skilled in the art would easily recognize that HTML code is not BIOS-readable.

HTML code refers to hypertext markup language, which is a type of markup language for generating web pages. Web browsers are utilized to read HTML code and render the HTML code as web pages. *HTML* at page 123-124 discusses web browsers, such as Netscape Navigator, Internet Explorer, and Lynx. *HTML* shows sample outputs from Netscape Navigator in Figure 5.3 (page 124) and Figure 7.27 (page 208). *HTML* shows sample outputs from Lynx in Figure 5.2 (page 123) and Figure 5.4 (page 125). Note that *HTML* does not show any output from a BIOS.

It is well known that web browsers are computer applications that are run on top of the BIOS and the operating system after POST and SETUP have completed. That is, without the operating system, web browsers that interpret HTML code cannot be executed. The Background of the instant specification at page 1 states that “[t]he BIOS provides the interface between the software of the computer system, namely the operating system, to the hardware devices.” As such, there is a clear and patentable distinction between the BIOS, the operating system, and computer applications, such as web browsers, run on top of the OS. There is absolutely no teaching or suggestion in either *Piwonka* nor *HTML*, alone or in combination, that HTML code is interpreted by anything other than a web browser, which is distinguishable from the BIOS and the OS.

The Applicant respectfully submits that neither *Piwonka* nor *HTML*, alone or in combination, teaches or suggests each and every recitation of claims 1, 12, and 15. The Applicant further submits that claims 2-8, 13, 14, and 16-22 are also patentable because they depend from allowable independent claims. Accordingly, the Applicant submits that claims 1-8 and 12-22 are in condition for immediate allowance.

The Office Action at page 9 also contends that the Applicant’s “arguments [are] against the references individually.” This is an incorrect understanding of the Applicant’s arguments. There should be no doubt that the Applicant is submitting that the references, alone or in

combination, do not teach each and every recitation of the claims. The Applicant repeats this statement throughout this Response. However, it should be noted that the Office Action itself addresses the references individually. For example, the Office Action commonly begins sentences with “*Piwonka* discloses...” or *HTML* teaches....” If the Office Action alleges that *Piwonka* does not disclose a certain element but that *HTML* does teach the element, then in order for the Applicant to address this allegation, the Applicants must show that *HTML* does not teach the element. This approach is not akin to arguing the references individually, but rather addresses the Office Action’s own allegations of what the references individually teach.

#### Claims 9 and 12

Claims 9 and 12 claims a number of recitations that occur “during power on self-test (POST) or a BIOS SETUP.” The Office Action simply ignores this recitation and alleges at page 5 and page 7 that “*HTML* teaches providing escape codes/tags....” As previously stated, *HTML* code is interpreted by web browsers that run on top of the BIOS and the OS. That is, web browsers are executed after POST and SETUP are completed. As such, any allegation by the Office Action that the recitations of claims 9 and 12 are taught by *HTML* is absolutely insupportable.

The Applicant respectfully submits that neither *Piwonka* nor *HTML*, alone or in combination, teaches or suggests each and every recitation of claims 9 and 12. The applicant further submits that claims 10, 11, 13, and 14 are also patentable because they depend from allowable independent claims. Accordingly, the applicant submits that claims 9-11 and 12-14 are in condition for immediate allowance.

#### Claims 2, 3, 4, 16, 17, 18

Claims 2 and 16 recite “a BIOS-readable cancel escape code...wherein the portion of the first string between the BIOS-readable first escape code and the BIOS-readable cancel escape code.” Claims 3 and 17 recite “a BIOS-readable second escape code... wherein the portion of the first string after the BIOS-readable second escape code is displayed in the second format.” Claims 4 and 18 recite “a BIOS-readable third escape code... wherein the BIOS-readable third escape code provides an indication of at least a portion of the second string that is to be displayed in a third format.”

With regards to claims 2, 3, 4, 16, 17, 18, the Office Action relies on *Piwonka* and *HTML*. In particular, the Office Action alleges that *HTML* teaches “cancel tags/cancel escape codes.” As previously noted, *HTML* code is interpreted by web browsers as expressly discussed in *HTML*. There is absolutely no teaching or suggestion in *Piwonka* or *HTML*, alone or in combination, that *HTML* code is “BIOS-readable,” as claimed in claims 2, 3, 4, 16, 17, 18. Accordingly, the applicant submits that claims 2, 3, 4, 16, 17, 18 are in condition for immediate allowance.

### **Conclusion**

In view of the foregoing amendment and remarks, the applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicants’ undersigned attorney at the number below.

Respectfully submitted,

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